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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,582	02/04/2002	Kazuhiko Hachiya	112857-314	2820
29175	7590	02/22/2005		EXAMINER
BELL, BOYD & LLOYD, LLC				PESIN, BORIS M
P. O. BOX 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690-1135			2174	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/072,582	HACHIYA ET AL.	
	Examiner Boris Pesin	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 October 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 72-87 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 72-87 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Amendment***

This communication is responsive to Amendment A, filed 10/05/2004.

Claims 72-87 are pending in this application. Claims 72 and 81 are independent claims. In the Amendment A, Claims 75 and 81 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 72-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leahy et al. (US 6219045) in view of Tang et al. (US 5793365).

In regards to claim 72, Leahy teaches, method of controlling an agent comprising: sending an agent parameter (i.e. "Current avatar position register 114 contains the current position and orientation of A's avatar in the virtual world. This position is communicated to other clients via network message processor 104. The position stored in register 114 is updated in response to input from input devices 116. For example, a mouse movement might be interpreted as a change in the current position of A's avatar." Column 5, Line 15); wherein said agent parameter defines a behavior of an agent (i.e. "Current avatar position register 114 contains the current position and orientation of A's avatar in the virtual world. This position is communicated to other clients via network message processor 104. The position stored in register 114 is updated in response to input from input devices 116. For example, a mouse movement might be interpreted as a change in the current position of A's avatar." Column 5, Line 15). Leahy does not teach setting a state of said agent to absent state in response to sending the agent parameter. Leahy further lacks generating said agent parameter if said agent parameter is not returned within a predetermined time period. Tang teaches setting a state of said agent to absent state in response to sending the agent parameter (i.e. "if the worker is going to leave the office, the icon 14 may be changed to reflect that status. This change to an absent icon may be done manually by the worker, or automatically by the system." Column 6, Line 59). Tang further teaches generating said agent parameter if said agent parameter is not returned within a

predetermined time period (i.e. "When the keyboard is idle for a first predetermined period of time, such as three minutes, each gallery window 10 in which the worker's icon 14 appears is updated to display the icon 14 associated with the worker and the idle level of activity. If the keyboard remains idle for a second predetermined period of time, such as two hours, the level of activity may be determined to be "absent", and the worker's icon 14 updated accordingly." Column 7, Line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leahy with the teachings of Tang and include a method to generate agent parameters under certain condition with the motivation to provide the user more details on the status of another user.

In regards to claim 73, Leahy teaches a method wherein said agent is an animated agent (Figure 1, Element 18).

In regards to claim 74, Leahy teaches a method wherein said behavior of said agent is determined by plurality of agent parameters (i.e. "Current avatar position register 114 contains the current position and orientation of A's avatar in the virtual world. This position is communicated to other clients via network message processor 104. The position stored in register 114 is updated in response to input from input devices 116. For example, a mouse movement might be interpreted as a change in the current position of A's avatar." Column 5, Line 15).

In regards to claim 75, Leahy teaches a method further comprising storing image data of said animated agent (Figure 4, Element 108).

In regards to claim 76, Leahy teaches a method further comprising detecting one or more events corresponding to said agent and updating said agent parameters based on current agent parameters with each detected event such that the behavior of said virtual agent is continuously modified with each detected event (i.e. "Current avatar position register 114 contains the current position and orientation of A's avatar in the virtual world. This position is communicated to other clients via network message processor 104. The position stored in register 114 is updated in response to input from input devices 116. For example, a mouse movement might be interpreted as a change in the current position of A's avatar." Column 5, Line 15).

In regards to claim 77, Leahy and Tang teach all the limitations of 72. Leahy does not teach a method further comprising sending information representing said predetermined time period along with said agent parameter. Tang teaches, "When the keyboard is idle for a first predetermined period of time, such as three minutes, each gallery window 10 in which the worker's icon 14 appears is updated to display the icon 14 associated with the worker and the idle level of activity. If the keyboard remains idle for a second predetermined period of time, such as two hours, the level of activity may be determined to be "absent", and the worker's icon 14 updated accordingly."(Column 7, Line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leahy with the teachings of Tang and include a method to send information representing a predetermined time period along with the agent parameters with the motivation to provide the user more details on the status of another user.

In regards to claim 78, Leahy teaches a method further comprising receiving said agent parameters after sending said agent parameter (i.e. "In order that each user sees the correct location of each of the other avatars, each client machine sends its current location, or changes in its current location, to the server and receives updated position information of the other clients." Column 3, Line 25).

In regards to claim 79, Leahy and Tang teach all the limitations of claim 78. Leahy does not teach a method further comprising changing said state of said agent to existence state in response to receiving said agent parameter. The Applicant does not specify in the specification what is mean by the "existence state"; therefore for the purpose of this Office Action, the Examiner will interpret "existence state" to mean the state of being present. Tang teaches, "If the worker is currently using their computer, the icon 14a, 17a will show this as the "attentive" level of activity, and the status area 27 will display the length of time that the worker has been in this state." (Column 7, Line 51). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leahy with the teachings of Tang and include a method to change the state to active or present with the motivation to give a better indication on the status of the user.

In regards to claim 80, Leahy further teaches a method wherein said received agent parameter is a modified version of said agent parameter (i.e. "In order that each user sees the correct location of each of the other avatars, each client machine sends its current location, or changes in its current location, to the server and receives updated position information of the other clients." Column 3, Line 25).

Claim 81 is in the same context as claim 72; therefore it is rejected under similar rationale.

Claim 82 is in the same context as claim 75; therefore it is rejected under similar rationale.

Claim 83 is in the same context as claim 76; therefore it is rejected under similar rationale.

Claim 84 is in the same context as claim 77; therefore it is rejected under similar rationale.

Claim 85 is in the same context as claim 78; therefore it is rejected under similar rationale.

Claim 86 is in the same context as claim 79; therefore it is rejected under similar rationale.

Claim 87 is in the same context as claim 80; therefore it is rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments, see Page 5, filed 10/05/2004, with respect to 35 U.S.C. 112, first paragraph have been fully considered and are persuasive. The 35 U.S.C. 112, first paragraph rejection of Claims 79 and 86 has been withdrawn.

Applicant's arguments filed 10/05/2004 regarding the art rejection have been fully considered but they are not persuasive.

- a. Tang does not teach setting a state of the agent to an absent state in response to sending the agent parameter.
- b. The agent, as claimed, does not correspond to a user.

In regards to argument (a), the Examiner disagrees with the Applicant that Tang does not teach setting a state of the agent to an absent state in response to sending the agent parameter. Tang teaches, "if the worker is going to leave the office, the icon 14 may be changed to reflect that status. This change to an absent icon may be done manually by the worker, or automatically by the system."(Column 6, Line 59). The agent parameter that is being sent is done in order to change the status of the agent (i.e. user).

In regards to argument (b), it is not clear in the claims that the agent can't correspond to a user. An agent can act as an avatar for a user. So controlling an agent can be interpreted to mean controlling an avatar.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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